



# Senator Bob Oke's LEGISLATIVE UPDATE

26th Legislative District • P.O. Box 40426, Olympia WA 98504-0426 • (360) 786-7650

**February 11, 2005**

## **Election Challenge Update**

Chelan County Superior Court Judge John Bridges ruled against the Democrat Party's motion to dismiss the case on February 4. He is going to continue the trial, reviewing the evidence presented on voter fraud and election worker errors. The judge did say he does not have the power to order a revote, but he can find that the election was so flawed that it should be thrown out. If this happens, the Legislature could call a new election for governor or Lt. Gov. Brad Owen could fill the vacancy until a new election can be held in November 2005. The case may also end up before the Washington State Supreme Court.

## **Election Reform Update – New Bills Filed**

**Senate Bill 5727** – This measure requires all potential voters to register at least 30 days prior to an election and to provide proof of U.S. Citizenship. Requires a monthly comparison of voter lists to known deaths and known declarations of mental incompetence; and to check for duplicate registrations.

**Senate Bill 5740** – This measure requires provisional ballots to be distinguishable from other ballots and establishes criteria for verifying voter signatures and procedures when a signature is missing from a return ballot envelope. Provides that only the canvassing board may reject a ballot. Requires that for all ballots not tabulated at a poll site, each mail ballot and each provisional ballot must be manually inspected.

**Senate Bill 5742** – This measure requires county auditors to respond in writing to reviews of their election procedures by the Secretary of State and to set out the steps that will be taken to correct any problems.

**Senate Bill 5743** – This measure improves voter registration record keeping procedures.

## **Election Reform Task Force to hold public meetings**

Members of the public are encouraged to attend the Election Reform Task Force meeting in their area. These meetings provide an important opportunity for citizens to ask questions, share their concerns and frustrations and ask for meaningful reform.

**Vancouver** – 6:30-8:30 p.m., Thursday, Feb. 10, Clark College Foster Auditorium

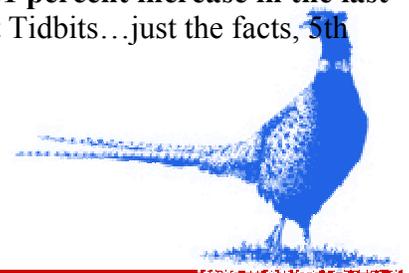
**Des Moines** – 6 -8 p.m., Monday, Feb. 14, Highline Community College Student Union Building

**Pasco** – 6-8 p.m., Wednesday, Feb. 16, Columbia Basin College Student Union Building

**Spokane** – 6-8 p.m., Tuesday, Feb. 22, Spokane Community College Lair Student Center

## **Budget Tidbits...just the facts**

**Bilingual education is one of the fastest growing budget costs – with a 121 percent increase in the last 10 years.** For more information, go to [www.src.wa.gov](http://www.src.wa.gov) and click on “Budget Tidbits...just the facts, 5th Edition.”



# **WRONG!** for Washington

## **Paid family leave bills puts unfair tax burden on workers and their employers**

**House Bill 1173** and **Senate Bill 5069** impose a new payroll tax on all employers and employees with an initial cost of more than \$70 million per year. Under this program, an employee who has been with a company for about four months can take up to five weeks of job-protected paid leave to care for a newborn, a newly adopted child or a family member who is ill. Under current state law, a person may use accrued sick leave to stay home and care for a family member. Only five other states have joined Washington in extending this opportunity to private sector employees.

Under federal law, companies with 50 or more employees must provide as much as 12 weeks of unpaid, job-protected leave to employees after one year of employment.

For small companies, where every employee is critical to the operation, an extended employee absence could cause the business to lose customers and layoff other employees. Employees who remained could also be burdened with a heavier workload as they cover for their absent co-workers. The new tax employers would have to pay under the proposed legislation would lessen their ability to hire a temporary worker to pick up the additional work – even if they could find one with the needed skills.

Most Washington employers already are sensitive to their workers' family needs and understand that meeting those needs is part of attracting and keeping good employees. When it comes to stimulating our economy and creating more jobs, House Bill 1173 and Senate Bill 5069 simply take us in the wrong direction for Washington.

## **Supreme Court buries state's death tax**

On February 3, the Washington State Supreme Court struck down Washington's inheritance tax. For many family-owned businesses and farms, this means that the newest generation will be able to continue to operate what parents and grandparents started. The inheritance tax often was too great, and children had to sell off the property to pay the tax. In 1981, Washington voters eliminated the state inheritance tax as a stand-alone tax by tying it to the federal law that allowed a credit against federal estate taxes due in the amount paid to a state. The tie to changes in federal law was eliminated in 1990 legislation. So, when Congress approved a phase-out of the federal estate tax and state tax credit provision in 2001, Washington's law did not conform. Efforts by Senate Republicans to match state law to the 2001 changes were unsuccessful. Now the Supreme Court has taken it out of hands of the Legislature and declared the tax null and void.

## **Bill exempts special commitment centers for sex predators from public art requirement**

Under Washington law, one-half of one percent of the construction costs for any new state building must be provided to the Washington State's Arts Commission to purchase public art for the site. **Senate Bill 5795, co-sponsored by Sen. Oke**, specifically exempts commitment centers for sex predators from this requirement. Convicted sex offenders who have served their prison terms but are considered to be sexually violent predators and a risk to the public are civilly committed for treatment and housed in special commitment centers. Currently there is only one, on McNeil Island in Pierce County, but others could be built. This measure makes sure taxpayer dollars are not ill-spent when state services for the elderly, children and persons with disabilities are struggling to make ends meet. This bill is in the Senate Government Operations and Elections Committee.

### **Senate Bill 5747 modifies automatic minimum wage increases to save jobs**

This measure, **co-sponsored by Sen. Oke**, ties the state's minimum wage increases to the state's unemployment rate. When Washington's unemployment rate is above the national average, the automatic minimum wage increase is suspended until the state's rate falls below the federal rate. At that point, the minimum wage index for inflationary adjustments kicks in again. Suspending minimum wage increases during times of high unemployment in our state will help people keep their jobs and stop the loss of more jobs because employers can't afford the higher wages. This bill is in the Senate Labor, Commerce, Research and Development Committee.

### **Constitutional amendment would protect the state's law defining marriage as between a man and a woman**

**Senate Joint Memorial 8209, co-sponsored by Sen. Oke**, would put before the voters of this state an amendment to the Washington State Constitution that authorizes only the Legislature or the people to define a legal marriage. This amendment would make it impossible for any court decision to change the state's 1998 Defense of Marriage Act (DOMA) which defines marriage as between a male and female and the parties to the marriage are husband and wife. On August 4, 2004, King County Superior Court Judge William Downing ruled that gay couples can marry in Washington State and declared that DOMA is unconstitutional. On September 7, 2004, Thurston County Superior Court Judge Richard Hicks ruled Washington State's DOMA statute unconstitutional. The matter is now before the state Supreme Court. Oral arguments are scheduled for March 8.

### **Study to look at donating leftover prescription drugs**

Last month, a new law in Oklahoma took effect which allows nursing homes to donate unused prescription drugs to state residents who can't afford them. The law also allows drug manufacturers, health care providers or individuals to donate leftover, unopened and unexpired medications to participating pharmacies. The drugs will then be distributed to the medically indigent. **Senate Bill 5846, co-sponsored by Sen. Oke**, now before the Senate Health and Long-Term Care Committee, requires a study of how Washington can safely operate a similar program.

### **Take a look at the 2005 Tax Reference Manual**

The Department of Revenue has released the latest edition of its Tax Reference Manual, and it contains almost everything you ever wanted to know about Washington state taxes. To see the 2005 manual go to DOR's Web site at: [www.dor.wa.gov](http://www.dor.wa.gov).

*Legislative toll free hotline: 1-800-562-6000*

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